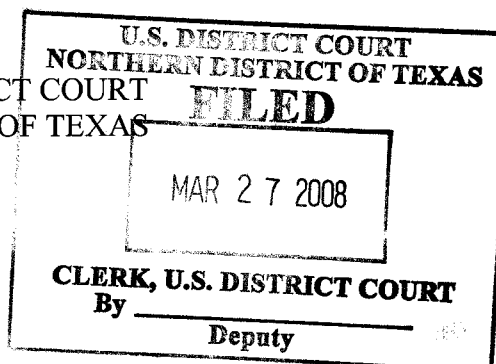


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



TERRANCE LAMONT LIPSCOMB,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:08-CV-0028

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On February 19, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that habeas relief be denied. On March 7, 2008, petitioner filed objections to the Report and Recommendation.

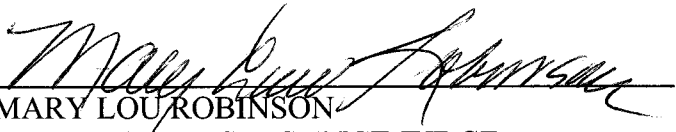
With regard to petitioner's objections, petitioner has no due process claim arising from the loss of an opportunity to seek parole. It is "entirely speculative" whether a Texas prisoner will obtain release on parole because the decision is discretionary. *Madison v. Parker*, 104 F.3d 765, 768 (5th Cir.1997). Accordingly, the loss of the opportunity to seek parole does not implicate the Due Process Clause. *See id.*

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED.

Accordingly, the petition for a writ of habeas corpus filed by petitioner TERRANCE LaMONT LIPSCOMB is hereby DENIED.

IT IS SO ORDERED.

ENTERED this 27th day of March 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE